

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DWAYNE EICHLER,

Plaintiff,

No. CIV S-04-1108 GEB JFM P

vs.

CDC OFFICER SHERBIN, et al.,

Defendants.

ORDER

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Plaintiff is a state prisoner proceeding pro se and in forma pauperis. On July 14, 2005, plaintiff filed a third amended complaint. That document was not served on counsel for defendants. By order filed May 27, 2005, plaintiff was advised that he must serve all counsel of record with copies of all his court filings. Fed. R. Civ. P. 5; Local Rule 5-135(b). Plaintiff must include with every document filed in this action a certificate stating the date an accurate copy of the document was mailed to defendants' attorney and the address to which it was mailed. See Local Rule 5-135(b) and (c). Plaintiff was also warned that failure to serve counsel with a court filing may result in a recommendation that this action be dismissed.

In accordance with the above, IT IS HEREBY ORDERED that plaintiff's July 14, 2005 third amended complaint will be placed in the court file and disregarded unless plaintiff files, within twenty days, a certificate of service attesting to service of the third amended

1 complaint on all counsel of record for defendants in this action. Plaintiff is cautioned that failure
2 to properly serve any documents subsequently filed in this action, and failure to include a proper
3 certificate of service with such filing, will result in a recommendation that this action be
4 dismissed. Failure to timely provide the certificate of service for the third amended complaint
5 will also result in a recommendation that this action be dismissed.

6 DATED: July 27, 2005.

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9 UNITED STATES MAGISTRATE JUDGE

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